



# California Regional Water Quality Control Board

## San Diego Region



Linda S. Adams  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb9/>  
9174 Sky Park Court, Suite 100, San Diego, California 92123  
Phone (858) 467-2952 • FAX (858) 571-6972

Arnold  
Schwarzenegger  
Governor

September 2, 2008

Certified Mail No. 7007 1490 0003 8753 5551  
In Reply Refer To: CWU: Ppeuron

**Ken Price**  
**International Iron Products**  
**10883 Thornmint Road**  
**San Diego, CA 92127**

WDID	9 371017869
Place	232928
Party	24739
Regulatory Measure	350954
Violations	780808
	780815

Dear Mr. Price,

**Subject: NOTICE OF VIOLATION NO. R9-2008-0113 &  
REQUIRED TECHNICAL REPORT**

**Facility: International Iron Products, 10883 Thornmint Road, San Diego, CA  
92127**

Enclosed is **Notice of Violation (NOV) No. R9-2008-0113** for the subject facility in San Diego. The violations specified were identified on August 7, 2008 when the Regional Board's records, including the most recent Annual Report were reviewed. A facility inspection was also conducted on that date.

Records reviewed for the subject site include all Annual Reports that have been submitted since March of 2003 when the facility first enrolled under the Industrial Stormwater Permit. It is noteworthy that during the entire history of this facility's enrollment, water samples have not been obtained and analyzed. Reports for prior years had alleged that samples were not obtained because they could not be collected during the first hour of the storm event (i.e., due to the timing of the storm event). It is, however, extremely unusual, if not unprecedented, for a facility in the Industrial Stormwater Program to fail to obtain discharge samples for a such a lengthy duration. The most recent Annual Report does not include an explanation for the lack of sampling and, in addition, it does not include information that is to be submitted as part of the Annual Comprehensive Site Compliance Evaluation (ACSCE). These violations are cited in the NOV.

Please note that the Industrial Stormwater Permit (Section B.8.b) includes a provision for collecting water samples after the first hour of a storm event (as follows):

"a facility operator may conduct visual observations and sample collection more than one hour after discharge begins if the facility operator determines that the objectives of this Section will be better satisfied."

*California Environmental Protection Agency*

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The subject facility stores a large amount of unfinished steel products in an outdoor, paved environment where there is a potential for a significant degree of contact between these materials and stormwater. The Best Management Practice (BMP) of covering these materials using tarps during each rain event may not be effective if the stored steel is not covered in time, or rain events are not adequately anticipated. Without collection and analysis of samples, however, it is much more difficult to gauge the effectiveness of BMPs because there is no stormwater sampling data available to assess actual impacts. Additional concerns have arisen based on observations during the inspection on August 7, 2008 which included stains on pavement leading up to a storm drain (see Photo 7 of the attached inspection report).

Based on the above concerns, there is a critical need to obtain stormwater samples at the subject site. Therefore, pursuant to California Water Code (CWC) section 13267 and 13383, the San Diego Regional Water Quality Control Board (SDRWQCB) directs you to submit a **Required Technical Report (RTR)** received at the SDRWQCB no later than **5:00 PM, July 1, 2009**. The RTR is required due to the violations noted in the enclosed NOV and in consideration of the need to obtain data in order to evaluate the effectiveness of current BMPs. The RTR will be reviewed to assess the need for further possible enforcement actions. The RTR shall include the following:

1. Sample analyses must include, at a minimum, the results of analyses of storm water runoff samples collected from the Facility during the 2008-2009 rainy season (October 1<sup>st</sup> through May 31<sup>st</sup>). At least two storm events must be sampled and analyzed for: (1) Total Suspended Solids, (2) Specific Conductance, (3) pH, (4) Oil and Grease, and (5) Iron.
2. A description of the sampling practices that were employed in Item 1 above. As previously noted, samples can be obtained regardless of the amount of time since the onset of the rain event however, if possible, water samples should be obtained during the first hour. Samples should be obtained (1) as soon as possible and (2) anytime that there is water flowing during business hours within the constraints of Sections B.4 and B.8 of the Permit – with the exception of the requirement to obtain samples during the first hour of the storm event, and (3) at least four water samples must be obtained and analyzed (representing the two discharge points at the facility and representing two separate storm events). Sampling of more than two events is not required.
3. A laboratory report from a properly certified lab including Quality Assurance/Quality Control (QA/QC) documentation and chain of custody for all samples collected as required in Item 1 above.
4. The following signed certification:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Failure to submit the above information by the date requested may result in the imposition of administrative civil liability pursuant to CWC sections 13268 and 13385.

Note: All documents requiring signature shall be signed per the General Construction Permit, Water Quality Order No. 99-08, Section C.9.a (1&2), as follows:

"For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (b) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; For a partnership or sole proprietorship: by a general partner or the proprietor, respectively."

Questions pertaining to this Required Technical Report and the enclosed Notice of Violation should be directed to Peter Peuron at (858) 637-7137 or [Ppeuron@waterboards.ca.gov](mailto:Ppeuron@waterboards.ca.gov). Written correspondence should be directed to the following address:

Michael P. McCann  
Assistant Executive Officer  
Attn: Peter Peuron  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340



Michael P. McCann  
Assistant Executive Officer

Ken Price  
International Iron Products

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September 2, 2008

Attachments: Notice of Violation  
Facility Inspection Report

CC: Ken Greenberg, U.S. Environmental Protection Agency  
Nancy Barber, County of San Diego

File No. 10-0017869.02

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8 08.doc

*California Environmental Protection Agency*

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# California Regional Water Quality Control Board San Diego Region



Arnold  
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Secretary for  
Environmental Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

September 2, 2008

**IN THE MATTER OF VIOLATIONS OF  
WASTE DISCHARGE REQUIREMENTS**

**Ken Price  
International Iron Products  
10883 Thornmint Road  
San Diego, CA 92127**

**NOTICE OF VIOLATION  
NO. R9-2008-0113**

**WDID NO.  
9 371017869**

**NPDES General Permit No. CAS000002, SWRCB Order 97-03-DWQ**

**Facility: International Iron Products, 10883 Thornmint Road, San Diego, CA 92127**

**YOU ARE HEREBY NOTIFIED THAT:**

You are in violation of waste discharge requirements contained in State Water Resources Control Board (SWRCB) Order No. 97-03-DWQ, of the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Industrial Activity (Permit). Such violation subjects you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

On August 7, 2007, Peter Peuron, of the Regional Board conducted an inspection of the Facility and also reviewed the Facility's Annual Report for Stormwater Discharges Associated with Industrial Activities. The following violations were noted.

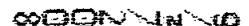
**Summary of Violations:**

- I. FAILURE TO PROVIDE INFORMATION REQUIRED IN ANNUAL REPORTS**
  - **Pursuant to Water Quality Order No. 97-03-DWQ Section No. B.5.a:**

"Facility operators shall collect storm water samples during the first hour of discharge from (1) the first storm event of the season, and (2) at least one other storm event in the wet season."

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Later in the same section,

“Facility operators that do not collect samples from the first storm event of the wet season are still required to collect samples from two other storm events of the wet season and shall explain in the Annual report why the first storm event was not sampled.”

In addition, Section B.8.a states,

“A facility operator is not required to collect a sample and conduct visual observations in accordance with Section B.4 and Section B.5 due to dangerous weather conditions, such as flooding, electrical storm, etc., when stormwater discharges begin after scheduled facility operating hours or when stormwater discharges are not preceded by three working days without discharge. Visual observations are only required during daylight hours. Facility operators that do not collect the required samples or visual observations during a wet season due to these exceptions shall include an explanation in the Annual Report why the sampling or visual observations could not be conducted.”

**Observation:** The 2007/2008 Annual Report for International Iron Products indicates, in Section E.1, that no stormwater samples were obtained during the most recent rainy season. Therefore, it was necessary to attach an explanation as to why sampling was not performed. Or, in the event that samples could have been obtained (i.e., conditions existed under which water samples could have been obtained) sampling and testing should have been performed and the results should have been reported in the Annual Report. The report does not include an attached explanation as to why water samples were not obtained (as required by the Permit). Therefore, it is not clear whether samples should have been obtained, and were not, or whether sampling under the conditions specified by the Permit, could not be performed. The lack of sampling data, along with the lack of an attached explanation as to why samples were not obtained, is a violation of the Permit.

## II. FAILURE TO PROVIDE INFORMATION REQUIRED IN ANNUAL REPORTS

### ➤ Pursuant to Water Quality Order No. 97-03-DWQ Section No. A.9:

“The facility operator shall conduct one comprehensive site compliance evaluation (evaluation) in each reporting period (July 1 – June 30). Evaluations shall be conducted within 8-16 months of each other.”

Pursuant to Section No. A.9.d. the evaluation shall include:



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION**

**FACILITY INSPECTION DATA ENTRY FORM**

DATE: 8/7/08 TIME: 2:30 WDID: 9 371017869 ORDER NO. 97-03-DWQ FILE NO. 10-0017869

FACILITY REPRESENTATIVE(S) PRESENT DURING INSPECTION: Tom Delisle

Ken Price (858) 673-4451  
 NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE OWNER CONTACT NAME AND PHONE #

International Iron Products (858) 673-4451  
 FACILITY OR DEVELOPER NAME (if different from owner) FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

10883 Thornmint Road San Diego, CA 92127  
 FACILITY STREET ADDRESS FACILITY CITY AND STATE

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS (CHECK ALL THAT APPLY)

- MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766
- GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002 - CONSTRUCTION
- GENERAL PERMIT ORDER NO. 99-06-DWQ, NPDES NO. CAS000003 - CALTRANS
- GENERAL PERMIT ORDER NO. 97-03-DWQ, NPDES NO. CAS000001 - INDUSTRIAL
- GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES
- GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
- SECTION 401 WATER QUALITY CERTIFICATION
- CWC SECTION 13264,

**INSPECTION TYPE (Check One)**

- A1  "A" type compliance--Comprehensive inspection in which samples are taken. (EPA Type S)
- B1  "B" type compliance--A routine nonsampling inspection. (EPA Type C)
- 02  Noncompliance follow-up--Inspection made to verify correction of a previously identified violation.
- 03  Enforcement follow-up--Inspection made to verify that conditions of an enforcement action are being met.
- 04  Complaint--Inspection made in response to a complaint.
- 05  Pre-requirement--Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.
- 06  Miscellaneous - inspection type is not included on this list, may include NOT, NEC, NONA or other types
- 07  Pretreatment Audit (every five years)
- 08  Pretreatment Compliance (yearly except audit year)

**INSPECTION FINDINGS**

Yes Were violations noted during this inspection? (Yes/No/Pending Sample Results)

No Were samples taken? (N=no) If YES then, G= grab or C= Composite and attach a copy of the sample results/chain of custody form

**I. COMPLIANCE HISTORY:**

This facility has been enrolled in the Industrial Stormwater Program since March of 2003. The file shows no history of inspections by the Regional Board. The 2007 to 2008 Annual Report indicates that stormwater sampling and testing was not performed. The report does not include an explanation for the lack of sampling (as required by the Industrial Stormwater Permit). A review of the file indicates that they have never performed stormwater sampling.

**II. FINDINGS**

I met with Tom Delisle, a facility supervisor, and we proceeded to walk around the site. We began at a gate located on the east side of the property. Figure 1 shows a view of the east side. There is a great deal of storage of steel I-beams, but very little overhead coverage. Photo 2 shows long wooden rails that steel beams are stacked on. These provide much better structural support for heavy I-beams than pallets. There is a blue tarp in Photo 2 and in fact, the SWPPP indicates that overhead coverage for the steel beams is provided through the use of such tarps. Photo 3 shows another view of the east side of the facility. Oxygen tanks shown in this photo are used for welding. Photo 4 shows the south side of the facility where again, there are plenty of stacked I-beams. Some of the steel beams are below canopies. Photo 5 shows some dust and wood debris in a storage/work area. The SWPPP

FACILITY: International Iron Products

(WDID) 9 371017869

INSPECTION DATE 8/7/08

indicates that they do daily cleanup of work areas and twice weekly cleanup of the entire facility. There is also a significant amount of storage of steel beams on the west side of the facility (Photo 6). Just beyond the gate on the west side of the facility, there is a storm drain (Photo 7). The drain appears to be in a location where it would intercept most or all of the site's runoff. Virtually the entire site is paved and therefore, it should be possible to obtain enough flow during rain events to get water samples. There was a stain leading from the west side of the site and into the drain. The stain's reddish tinge may be due to the presence of iron in the runoff. After walking the site, I reviewed the SWPPP. The SWPPP has a detailed site map and it includes recent documentation of stormwater training. Some of the critical BMPs listed in the SWPPP are: "daily cleaning of work areas", "twice weekly general cleanup of entire shop and yard", "tarping excess steel during rain (kept by paint booth)", and "using socks to contain water from reaching drains". These BMPs have the potential to be effective at minimizing impacts to the municipal stormwater sewer system if they are properly implemented. However, because of the complete lack of sampling data and also because of the stain that was observed in front of the western discharge point, there is some question as to whether BMPs are adequate. It is important to note that this facility has an unusually large amount of materials that are stored outdoors. Therefore ineffective BMP implementation could result in unusually large discharges of pollutants during rain events.

III. CONCLUSIONS, RECOMMENDATIONS AND ADDITIONAL ITEMS FOR FOLLOWUP

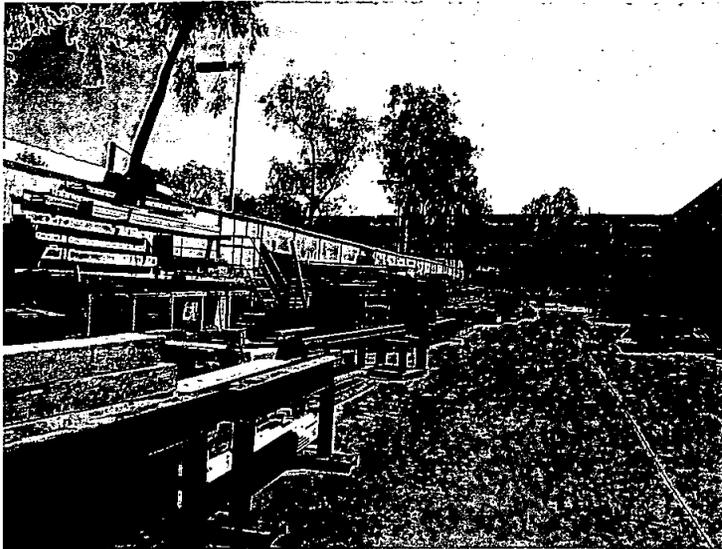
As noted earlier, the Annual Report indicates that water sampling was not performed during the 2007 to 2008 rainy season. Section E.1. indicates that if less than two samples are obtained, an explanation as to why the requisite number of samples were not obtained must be included with the Annual Report. No such explanation was included with the 2007/2008 report. In fact (as mentioned earlier) discharge point samples have never been obtained at this facility dating back to enrollment under the Permit (in 2003). As such, it is not possible to gauge the effectiveness of BMPs at this site. It is therefore critically important to (1) obtain samples as required by the Industrial Stormwater Permit and (2) determine whether BMPs are being effectively implemented. Note that Form 5 of the 2007/2008 Annual Report (Annual Comprehensive Site Compliance Evaluation Potential Pollutant Source/Industrial Activity BMP Status) was not completed. This form requires dischargers to assess the effectiveness of BMPs for each pollutant source area and to describe any necessary corrective actions (i.e., BMP upgrades) that are needed. It is not clear, based on the available information, that the need for improved BMPs has been adequately assessed. The key element necessary for such an assessment is testing of stormwater samples. Section 4 of the 2007/2008 Annual Report (Monthly Visual Observations of Storm Water Discharges) indicates that for the months of November, December, January and February, there had been storms, but the storms had started overnight or during the weekend. It therefore, appears that there were stormwater discharges at the site, but that samples may not have been obtained because the discharges occurred (or were encountered) after the first hour of rainfall. In fact, previous Annual Reports which did include explanations of why samples were not collected have stated, "As samples are to be taken during the first hour of discharge, we are unable to take any samples during the season." Note that section B.8.b of the Industrial Stormwater Permit provides that, "a facility operator may conduct visual observations and sample collection more than one hour after discharge begins if the facility operator determines that the objectives of this Section will be better satisfied." Based on the complete lack of any sampling during this site's enrollment under the Permit, it is clear that there is a critical need for sampling of stormwater. During the 2008/2009 rainy season, both visual observations and sample collection should be performed whether or not an hour has elapsed since the beginning of the rain event. Sample results should be included in the Annual Report and Forms 4 and 5 of the Annual Report should be completed, as well.

IV. SIGNATURE SECTION

PETER PEURON                      Peter Peuron                      8/7/08  
 STAFF INSPECTOR                      SIGNATURE                      INSPECTION DATE

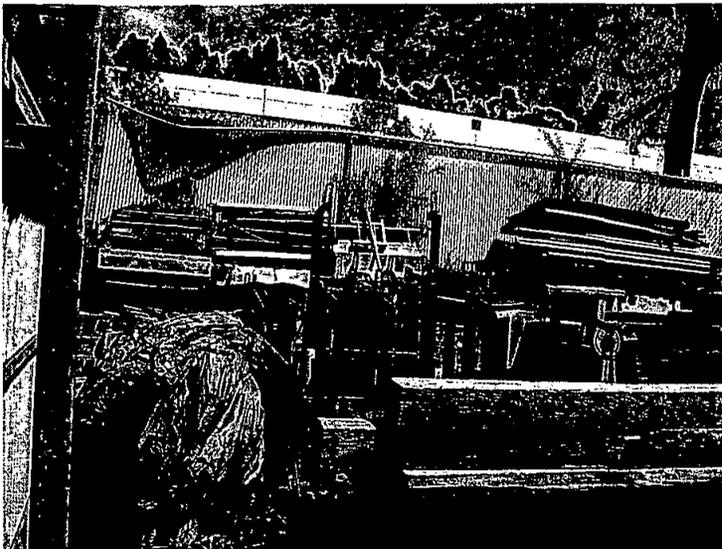
IV. (For internal use only)

Reviewed by Supervisor: <u>[Signature]</u>	Date: <u>8/8/08</u>
cc: City _____	Contact _____
Program: NPDES STORM NON15-WDR 401 NPS TITLE 27 AGT DoD LNDISP PTPRG RCRA SLIC REC	
Inter-office Referral: 1) _____ 2) _____ 3) _____ 4) _____ 5) _____	



All photos taken by Pete Peuron,  
Environmental Scientist.

1. View of the east side of the facility, looking south. Steel I-beams are stored, generally with adequate elevation, but no overhead protection.



2. A closer view of stored metal materials along with wooden supports which are used for stacking and elevating steel beams. The blue tarp can be used to protect metal products during rain events.



3. Another view of the east side of the site. Canisters near the open doorway are oxygen tanks used for welding.

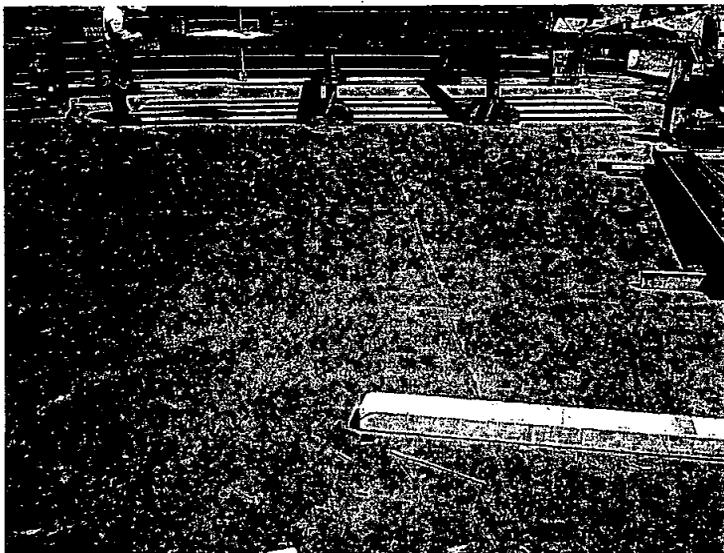
International Iron  
Products

August 7, 2008



All photos taken by Pete Peuron,  
Environmental Scientist.

4. South side of the facility.  
Some materials are stored  
beneath canopies.



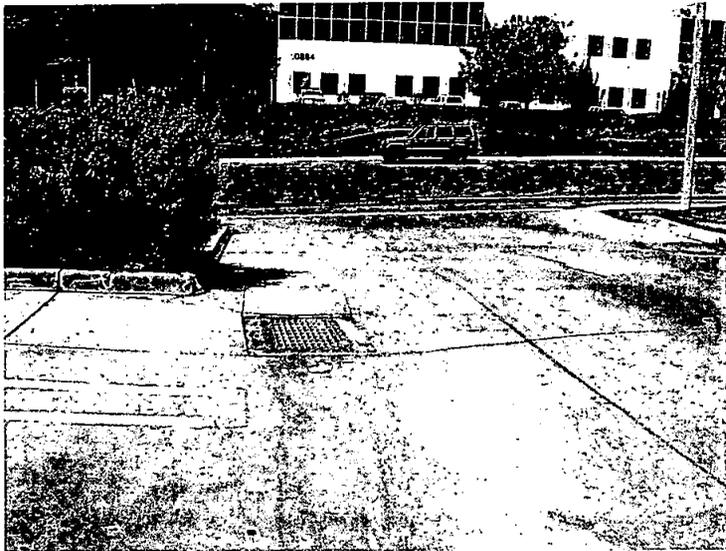
5. Some dirt and debris on the  
concrete work area surface.



6. I-beams stored on the west  
side of the facility. Elevated, but  
no overhead coverage.

International Iron  
Products

August 7, 2008



All photos taken by Pete Peuron,  
Environmental Scientist.

7. Storm drain located at the  
northwest corner of the property.  
Samples are collected in front of  
the drain.

International Iron  
Products

August 7, 2008

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
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Sent To Ken Price  
 Street, Apt. No., or PO Box No. 10883 Thornmint Rd  
 City, State, ZIP+4 San Diego, CA 92127

PS Form 3800, August 2005 See Reverse for Instructions  
 See reverse for Instructions

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
Ken Price  
10883 Thornmint Rd.  
San Diego, CA 92127

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
**X**  Addressee

B. Received by (Printed Name) C. Date of Delivery

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 if YES, enter delivery address below:  No

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